

REMARKS/ARGUMENTS

This Amendment and the following remarks are intended to fully respond to the Office Action mailed December 21, 2006. In that Office Action claims 1-18 were examined, and all claims were rejected. More specifically, claims 1-18 were rejected under 35 U.S.C. § 101 because they disclose a claimed invention that is an abstract idea; claims 1-5 were rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of element; claims 1-6, 8, and 1-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ramezani (USPN 6457122); and claims 7 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ramezani is taken (sic) with Blaser et al. (USPN 7117496). Reconsideration of these rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested.

In this Response, claims 1-3, 6, 9, and 13-18 have been amended; claims 8 and 11 have been canceled; and no new claims have been added.

Claim Rejections – 35 U.S.C. § 101

Claims 1-18 were rejected under 35 U.S.C. § 101 because they disclose a claimed invention that is an abstract idea. The applicants respectfully disagree and traverse the rejection.

The examiner states, “claims 1-18 are non-statutory because they do not disclose that how a cited method is able to carry out its intended results without incorporating a processor, memory, and medium.” (12/21/2006 Office Action, p. 2). Applicants disagree as one of ordinary skill in the art would have the requisite knowledge to implement the method steps of claim 1 on various hardware components. Furthermore, claim 1 recites “In a computer system.” An embodiment of a computer system is described in conjunction with FIG. 2 of the application. The embodiment described in FIG. 2 includes a processing unit 202, a memory 204, and

medium(s) 207, 210. As claim terms are read in light of the specification, the computing system recited in the claims can include, but may not be limited to, at least one embodiment that includes a processor, memory, and medium, as described in conjunction with FIG. 2. As such, applicants respectfully assert that the Examiner rejection is improper.

Claim 6 and 12 are believed to be allowable for similar reasons. Claims 2-5, 7, 9-10, and 13-18 depend from claims 1, 6, and 12, respectively, and are thus also allowable. Applicants therefore request withdrawal of the rejection to claims 1-18.

Claim Rejections – 35 U.S.C. § 112

Claims 1-5 were rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of element. The applicants respectfully disagree and traverse the rejection.

The examiner states, “The omitted structural cooperative relationships are: writing, comparing, generating etc. and reading the resource to the secure cache or reading from the resource to the secure cache.” (12/21/2006 Office Action, p. 3, last paragraph). The claims 1-5 are directed to a method claim. As such, there is no structure to interrelate as requested. Accordingly, applicants respectfully request withdrawal of the rejection to claims 1-5.

Claim Rejections – 35 U.S.C. § 102

Claims 1-6, 8, and 1-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ramezani (USPN 6457122). Applicant respectfully traverses the § 102(b) rejections because either the Examiner has failed to state a prima facie case of anticipation or the current amendments to the claims now render the Examiner's arguments moot. A prima facie case of anticipation can be met only where the reference teaches *each and every aspect* of the claimed

invention. See MPEP §§ 706.02 & 2136. As will be shown, Ramezani fails to teach all of the claim elements.

Embodiments of the present invention, as embodied in the claims, are directed to systems and methods for retrieving program code and placing the program code in a secure cache. A computer system generally has a computer system profile, which includes information about what resources the computer system can access. A user of the computer system also has a profile. The user profile includes information about what resources the user can access. In embodiments, the computer system loads the user profile, rather than the computer system profile, and impersonates the user. When accessing a resource, the computer system can attempt to open the resource using the user's profile. Access is determined according to the user's profile rather than the computer system profile. Claim 1 contains such elements:

1. In a computer system, a method for retrieving a resource of program code from a source of program code and placing the resource in secure cache in the computer system, the computer having a computing system profile, the method comprising:
installing a user profile into the computer system to operate based on the user profile rather than the computing system profile;
 picking a first source for the resource;
 opening the resource;
impersonating, by the computer system, the user profile at the first source;
testing the computer system's access to the resource based on the user profile, wherein the first source tests whether the user, rather than the computing system, has access to the resource;
 if the user has access, reading the resource to the secure cache;
 if the resource is read to the secure cache, writing the resource to the secure cache of the computer system; and
 if the user does not have access, picking a second resource.

Claims 6 and 12 have similar limitations.

Ramezani, in contrast, describes a method and apparatus for installing programs *in a fault tolerant manner*. *See Ramezani*, Abstract and col. 1, lines 34-36. Ramezani includes two software applications, a first software module that begins boot up and a second software module

that directs the user to download programs from a predetermined website. *See Ramezani*, col. 3, lines 19-55. The download status of the program is preserved in non-volatile memory. *See Ramezani*, col. 8, lines 1-17. During any subsequent POST, the system firmware ensures controlled delivery of the program code by checking the download status in the non-volatile memory. *Id.* Download issues are avoided by the system firmware and a fault tolerant download is accomplished.

Ramezani is different from the present invention, in that Ramezani does not teach installing a user profile and impersonating the user with the user profile. Ramezani describes a profile manager that “obtains the user and system profiles of the computer system 100 based on user preferences, system hardware, and software installed at the computer system 100.” *Ramezani*, col. 10, lines 10-13. The user profile is provided to the server for which to download software. *See Ramezani*, col. 10, lines 13-13-16. “The server 22 then processes the user profile or demographic data and *targets content to the users that have similar profiles.*” *Ramezani*, col. 10, lines 19-21. The user profile in Ramezani is only sent to the server to match user preferences for software with software available on the server. *See Ramezani*, col. 4, lines 24-26 and col. 10, lines 24-26. In other words, Ramezani teaches a marketing user profile, which is “collected from warranty service registration, Internet service registrations, system profiles, and user preferences.” *Ramezani*, col. 3, lines 6-8. The user profile in Ramezani is not used to access the source for program code, and no computer uses the user profile to impersonate the user. Thus, Ramezani simply cannot and does not teach all the claim limitations as required in 35 U.S.C. § 102(b).

For at least the reasons presented above, claim 1 is allowable over the prior art. Claims 6 and 12 are believed to be allowable for at least the reasons presented above. Claims 2-5, 7, 9-10,

and 13-18 depend from claims 1, 6, or 12 and are also allowable. Accordingly, applicants request withdrawal of all rejections.

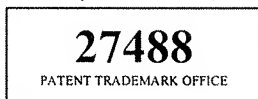
Conclusion

This Amendment fully responds to the Office Action mailed on December 21, 2006, 2006. Still, that Office Action may contain arguments and rejections that are not directly addressed by this Amendment due to the fact that they were rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicants believe the argument has merit. Furthermore, the claims of the present application may contain other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the art of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

It is believed that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks and amendments, it is believed that the application is now in condition for allowance and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

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Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Tadd F. Wilson".

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